

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In Re,  ANTHONY R DUREN SHAWNESE T DUREN,  Debtors,  SPECIALIZED LOAN SERVICING, LLC, AS SERVICING AGENT FOR WELLS FARGO BANK, N.A. AS TRUSTEE FOR THE MASTR ASSET BACKED SECURITIES TRUST 2007- NCW MORTGAGE PASS-THROUGH CERTIFICATES SERIES 2007-NCW  Movant,  V. ANTHONY R DUREN and SHAWNESE T DUREN, and KENNETH E. WEST, Trustee, Respondents.	Bankruptcy No. 23-10987-PMM  Chapter 13
---	---

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

AND NOW, comes Movant, Specialized Loan Servicing, LLC as servicing agent for Wells Fargo Bank, N.A. as Trustee for the MASTR Asset Backed Securities Trust 2007-NCW Mortgage Pass-Through Certificate Series 2007-NCW (the “Movant”), by and through its undersigned counsel, Bernstein-Burkley, P.C., and files this *Motion for Relief from the Automatic Stay* (the “Motion”), representing as follows:

THE PARTIES

1. Respondents, Anthony R. Duren and Shawnee T. Duren, (“Debtors”), are adult individuals with a place of residence located at 982 McDade Boulevard, Lansdowne, PA 19050.
2. Kenneth E. West is the duly appointed Chapter 13 Trustee and is currently acting in such capacity.

JURISDICTION AND VENUE

3. This matter is a core proceeding, and this Court has jurisdiction pursuant to 28 U.S.C. § 1334. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. Movant seeks relief pursuant to 11 U.S.C. § 362(d) and FRBP 4001 and 9014.

#### FACTUAL BACKGROUND

4. On or about April 4, 2023, the Debtors filed a voluntary petition for relief pursuant to Chapter 13 of the Bankruptcy Code.

5. Specialized Loan Servicing, LLC as servicing agent for Wells Fargo Bank, N.A. as Trustee for the MASTR Asset Backed Securities Trust 2007-NCW Mortgage Pass-Through Certificate Series 2007-NCW holds a mortgage (the “Mortgage”) on the Debtors’ real property located at 982 McDade Boulevard, Lansdowne, PA 19050 (“Property”), recorded in the Office of the Recorder of Deeds for Delaware County, Pennsylvania, to secure a Note (the “Note”) with a principal balance of \$106,000.00. True and correct copies of the Mortgage, Assignment of Mortgage, and Note are attached hereto as Exhibits “A”, “B” and “C”, respectively.

6. Debtor executed a promissory note secured by a mortgage or deed of trust. The promissory note is either made payable to Movant, has been duly endorsed or Movant, directly or through an agent, has possession of the promissory note and may enforce the promissory note as a transferee in possession. Movant is the original mortgagee or beneficiary or the assignee of the mortgage or deed of trust. If the original promissory note is lost or destroyed, then Movant will seek to prove the promissory note using a lost note affidavit.

7. Pursuant to the Note, mortgage payments are due on the 1<sup>st</sup> day of each month. The principal and interest mortgage payments are \$538.58, the escrow payments are currently 548.58, for a total monthly payment of \$1,139.47.

8. The Debtors have failed to maintain their monthly post-petition payments. The loan is currently post-petition due for February 1, 2024, for a total amount past due of \$3,418.41.

9. The payoff of the Mortgage and Note is \$229,932.73, consisting of a principal balance of \$132,578.37, interest in the amount of \$15,520.17, deferred interest in the amount of \$57,226.34, escrow advance in amount of \$22,573.63, service cost in the amount of \$2,133.06 and \$98.84 being held in the Debtors' suspense account.

10. Debtors' Chapter 13 Plan states that payments to Movant will be made outside the Plan.

11. Based on the information above, the Movant is entitled to relief from the automatic stay as post-petition payments are not being made and the Movant lacks adequate protection

WHEREFORE, Movant, Specialized Loan Servicing, LLC as servicing agent for Wells Fargo Bank, N.A. as Trustee for the MASTR Asset Backed Securities Trust 2007-NCW Mortgage Pass-Through Certificate Series 2007-NCW, respectfully requests that this Honorable Court enter an Order, pursuant to 11 U.S.C. § 362(d), granting Movant relief from stay with respect to the property located: at 912 Whitby Avenue, Yeadon, PA 19050.

Respectfully submitted,

BERNSTEIN-BURKLEY, P.C.

By: /s/ Keri P. Ebeck  
Keri P. Ebeck, Esq.  
PA I.D. # 91298  
[kebeck@bernsteinlaw.com](mailto:kebeck@bernsteinlaw.com)  
601 Grant Street, 9<sup>th</sup> Floor  
Pittsburgh, PA 15219  
Phone (412) 456-8112  
Fax: (412) 456-8135

*Counsel for Specialized Loan Servicing,  
LLC as servicing agent for Wells Fargo  
Bank, N.A. as Trustee for the MASTR Asset  
Backed Securities Trust 2007-NCW  
Mortgage Pass-Through Certificate Series  
2007-NCW*

Dated: April 23, 2024